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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,028	05/14/1999	MARK J. BRITTO	AMAZON.031A	2026
20995 7590 11/14/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3694	PAPER NUMBER
			NOTIFICATION DATE 11/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/312,028

Applicant(s)

BRITTO ET AL.

Examiner

Daniel S. Felten

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-61, 63-73 and 81-87 is/are pending in the application.
- 4a) Of the above claim(s) 62 and 81-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-61 & 63-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the amendment and response to the restriction requirement mailed July 24, 2007 is acknowledged. Applicant has cancelled claims 1-55 and 74-80 and added claims 56-61, 63-73 and 81-87. Claim 62 is withdrawn. Thus claims 56-61, 63-73 and 81-87 are pending in the application and are presented to be examined upon their merits.

Election by Original Presentation

2. Newly submitted claims 81-87 are directed to an invention that is independent or *distinct* from the invention originally claimed for the following reasons: the originally submitted claims do not include a computer readable medium have stored thereon a computer program.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 81-87 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 56-61 and 63-68, 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,757,917) in view of Ordinary Business Practice

Re claim 56, Rose discloses a computer-implemented method of reducing e-commerce fraud (see Abstract, "qualified seller,"), the method comprising: Receiving a payment request at a computer system that implements a user-to-user funds transfer service, said payment request generated by a buyer via a web form of the computer system, and specifying a seller and a payment amount to transfer to the seller, said payment request being associated with a sales transaction between the buyer and the seller (see column 1, lines 66 to column 2, line 16; fig. 1 column 2, lines 57+; and esp. see column 8, lines 1-26);

In response to the payment request, performing an automated fraud check of at least said seller, said automated fraud check comprising an assessment of data associated with the seller (see "qualified seller," viewing database file 91, column 8, lines 27-38 & 59-67; column 6, line 5-21; and esp. fig. 7, column 10, line 15-29);

Rose discloses fact that the program checks the database file to ascertain as to whether the payment request is from a qualified seller (see "upon confirmation of qualified seller," column 8, lines 27-39). Although Rose is silent about the process of when the fraud check

produces an adverse indication that it declines the payment, Rose seems to imply the fact that a payment would be declined if there is no confirmation from the system that the payment-request message is from a qualified seller. This process is known in the art as "verification." Verification occurs during ordinary business practice in widely used ecommerce networks (see notoriously old and well known ACH, Fedwire, chips, swift, etc.,) to authenticate a user before a transaction takes place. Thus it would have been obvious for an artisan of ordinary skill in the art at the time of the invention to decline the payment transaction based upon ordinary business practice in ecommerce where the identity of the user can not be verified.

when the fraud check does not produce an adverse indication, indirectly processing the payment by causing the payment amount to be transferred from the buyer to the seller (see "buyer responses 'yes'," column 11, lines 25+);

As per claim 58, the automated fraud check comprises taking said payment amount into consideration in assessing a risk associated with the transaction (see column 6, lines 15-27).

As per claim 59, the third party is a credit Bureau (see fig. 1, column 6, lines 15+).

As per claim 60, performing the automated fraud check comprises requesting credit information of the seller from the credit bureau (see fig. 1, column 6, lines 15+).

As per claim 61 performing the automated fraud check comprises using risk assessment scoring provided by said third party (see fig. 1, column 6, lines 15+)

As per claim 63, performing the automated fraud check comprises authenticating the seller (see "upon confirmation of qualified seller," column 8, lines 27-39)

As per claim 64, the automated fraud check is additionally performed using data collected by the computer system from the seller via one or more web forms (see “qualified seller,” viewing database file 91, column 8, lines 27-38 & 59-67; column 6, line 5-21; and esp. fig. 7, column 10, line 15-29)

Re claim 65, A credit score is provided by credit bureaus to evaluate the risk involved in granting a certain amount of credit. Since Rose discloses that credit is provided to both buyers and sellers Official Notice is taken of a risk score wherein Rose would provide a credit score (or risk score) to assess the credit worthiness associated with the seller (see column 7, line 6, line 5-14).

As per claim 66, (Previously presented) The method of Claim 56, wherein the method comprises responding to the payment request by sending an electronic request for information to the seller, and using information returned by the seller in response to the request to perform the automated fraud check (see “qualified seller,” viewing database file 91, column 8, lines 27-38 & 59-67; column 6, line 5-21; and esp. fig. 7, column 10, line 15-29);

As per claim 67, performing the automated fraud check comprising using information supplied by the seller during web-based registration to assess a risk associated with the seller. (see column 6, lines 5+)

As per claim 68, the automated fraud check produces an adverse indication, electronically notifying the buyer and the seller of said adverse indication (see reasoning for claim 56 above).

As per claim 72, the seller is an individual(see column 6, lines 5+).

As per claim 73, registering the buyer and the seller with the funds transfer service via a web-based user interface (see column 7, lines 36-67).

Re claim 69, the automated fraud check produces an adverse indication, initiating a manual review by a human risk management assessor (see claim 65)

5. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,757,917) a modified by Ordinary Business Practice as applied to claim 56 above, and further in view of Walker et al (US 5,794,207)

Re claims 70 and 71, Rose fails to disclose that the sales transaction is an Internet auction transaction. Walker teaches that auctions are sought to be used over the Internet for effectuating bilateral commerce (see Walker, column 3, line 28+). It would therefore have been obvious to integrate the use sale transactions using Rose over an internet auction because one of ordinary skill in the art would recognize the fact that Rose would be useful in completion of a sales transaction over the Internet. Thus one of ordinary skill in the art would utilize Rose to efficiently enable payment of goods and services over the Internet, being an obvious expedient to one of ordinary skill in the art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

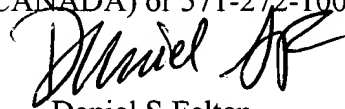
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten
Examiner
Art Unit 3694

Dsf
11/07/2007